

Minutes of the Salem City Council Meeting held on November 19, 2008 in the Salem City Council Chambers.

MEETING CONVENED AT: 7:00 p.m.

CONDUCTING: Mayor J. Lane Henderson

COUNCIL PRESENT:

Mayor J. Lane Henderson
Councilperson Lynn Durrant
Councilperson Todd R. Gordon
Councilperson Terry A. Ficklin
Councilperson Stanley W. Green

STAFF PRESENT:

Jeffrey Nielson, City Recorder
Chief Brad James, Police Chief
David Johnson, Public Works
Junior Baker, City Attorney
Bruce Ward, City Engineer

Excused Councilperson Brent Hanks. Also Councilperson Lynn Durrant and Attorney Junior Baker are at a UMPA meeting and will be a little late.

OTHERS PRESENT

Monty Griffiths
Reed Younger
Thomas Heers
Jeff Simonsen

Lana Creer Harris
Spencer Davis
Ryan Belliston
Camilla Simonsen

John Peterson
Russell Hillman
Chris McCandless
Mallory Byrnes

1. VOLUNTEER MOTIVATIONAL/INSPIRATIONAL MESSAGE

Mayor Henderson asked if anyone would like to give a motivational or inspirational message. Chief Brad James stated he would like to offer a motivational message in the form of a prayer.

2. INVITATION TO SAY PLEDGE OF ALLEGIANCE

Mayor Henderson invited those who would wish to participate, to stand and say the pledge of allegiance with him. He then led the pledge of allegiance for those who wanted to participate.

3. PUBLIC HEARING

Open

MOTION BY: Councilperson Stanley Green to Open the Public Hearing.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (3-0)

1. T-Mobile – Conditional Use for Communication Tower at 412 S. 810 E. / Foothills Elementary School

It was stated that T-Mobile has entered into an agreement with Nebo School District to allow a mobile tower to be installed at the Foothills Elementary School ground. The pole will be 100 feet high, and will be located on the north side of the school ground by the utility shed. T-Mobile will need to redo the cement pad that is currently there so it can support the pole. The ordinance allows cell towers in certain zones, and the school property is within that zone. It also requires that the pole be a co-locator, to allow other cell phone companies to connect to it. A T-Mobile representative stated that their equipment will be located at the very top of the pole. T-Mobile will be paying the school compensation for allowing the pole to be located on the school ground. The only effect it will have on neighbors will be visually. The tower is considered to be very safe.

Mayor Henderson asked if there were any comments from the public.

Mayor Henderson stated that T-Mobil is within the current ordinance to allow the pole to be built at the location. He would have liked to see the pole placed on city property, that way the city could benefit from the compensation. He would have liked to see that revenue source going towards recreation.

Councilperson Durrant and Attorney Baker arrived at council meeting.

2. Ordinance Amending bonding Requirements for Subdivisions And Communication Tower Zoning Requirements

Mayor Henderson stated that this amendment contains two parts. The first part would allow the towers placed on city property without changing zones. This way, the cell tower that was just presented could have been placed on city property.

The second portion of the amendment discusses the warranty bond that developers are required to pay. Attorney Baker stated that right now the city requires a 25% bond, which can be cash, escrow account, or letter of credit. The change will require the developer to pay 15%, but it would need to be a cash bond.

Camilla Simonsen, who is a developer, stated that requiring a cash bond right now is a burden that many would not be able to do.

Councilperson Green stated that we need to make sure that we have some leverage on the developer, to make sure that the final improvements are completed on the subdivision.

Chris McCandless was wondering about allow the developer a choice for the warranty bond. They could either do the 25% escrow or letter of credit, or do a 15% cash bond. But it would be for the developer to decide. This would give them another option.

Close

MOTION BY: Councilperson Lynn Durrant to Close the Public Hearing.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0)

1. T-Mobile – Conditional Use for Communication Tower at 412 S. 810 E. / Foothills Elementary School

Attorney Baker mentioned to the council, that the way the ordinance is written the council can put conditions on the tower. Councilperson Ficklin read the conditions from DRC.

MOTION BY: Councilperson Terry Ficklin to approve the T-Mobile Conditional Use for Communication Tower at 412 S. 810 E. (Foothills Elementary School) with the conditions of having a valid lease agreement with Nebo School District; working with the power department to put the electrical boxes in the proper location; installing an 8-foot chain link fence with the clip on slats rather than the slide through slats as they are vision barrier; install the proper landscaping; and making the tower co-locatable per the ordinance (Conditions came from DRC meeting 10/15/08).

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0)

2. Ordinance Amending bonding Requirements for Subdivisions And Communication Tower Zoning Requirements

Bruce Ward stated that recently we have had a couple of developers who have requested an extension on their warranty bond. We also have a couple of developers whose bonds have expired. Councilperson Durrant asked what will happen to the developers whose bonds have expired. Bruce stated that we are having problems with the developers finishing their projects. If we have a cash bond, then we would have the money to finish the project ourselves.

MOTION BY: Councilperson Lynn Durrant to Change the way the Ordinance is written tonight, to allow the option of a 25% bond in escrow or letter of credit, or the developer may do the option of the 15% cash bond up front.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0)

4. CAMILLA SIMONSEN – Discuss Prepaid Impact Fees for Developers

Camilla stated that with the changing in the economy, she would like to see something done to help out the building in Salem. There are a lot of empty lots in the city, and with commercial business coming to Salem we need to find the residential to support the commercial. She would like to see if the council can come up with some ideas. She is concerned with the impact fees being collected up front for a developer, when the growth was going fast she could see the need, but now that it is slowed down, she would like to see the impact fees not required to be paid upfront. She stated that some of the nearby cities are working with developers and coming up with ways to help them out.

Mayor Henderson stated that he understands that there is a need. He has not had an opportunity to speak with Councilperson Durrant about the electrical or parks and recreation impact fees. He stated that the city is in need of parks right now though. He asked the council to see if they can come up with some ideas. He also suggested to Camilla to find out what other cities are doing and to present that to the staff or city council.

5. TOM HEERS – Preliminary Approval of South Haven Estates Subdivision at approximately 650 E. 820 S.

Tom stated that he has taken a 10 acre lot, and has created a three lot subdivision. He has talked with the neighbors about it and they are okay. He presented to them before with a higher density lots, and the neighbors did not like it. But since he has changed it, they are okay with it.

MOTION BY: Councilperson Todd Gordon to approve the Preliminary of South Haven Estates Subdivision at Approximately 650 E. 820 S.

SECONDED BY: Councilperson Lynn Durrant.

VOTE: All Affirmative (4-0)

6. MONTY GRIFFITHS – Preliminary Approval of a Commercial Subdivision at 724 W. SR 198

Monty Griffiths stated that that one of the lots has an existing residential home, that it will remain a residential home until the owner passes away, at which time the home will be removed and a commercial building, hopefully a restaurant would be built. The current owners of the home have requested that a 20 foot buffer be added between the home and the business. He stated that he will need to extend the sewer line from Salem Automotive, and at which time he will connect to the existing home.

Bruce Ward stated that right now the city is not approving a site plan for the other commercial lot; we are just doing a subdivision approval. He also brought up the concern

from the home owner, who is very adamant that the 20 foot buffer be placed and also a fence be installed for privacy between the two lots.

It was stated that this has been before DRC and Planning and Zoning.

MOTION BY: Councilperson Terry Ficklin to approve Monty Griffiths Preliminary Commercial Subdivision, at 724 W. SR 198, with the condition that the 20 Foot buffer be added to the residential property (a buffer between the existing residential home, and the commercial lot being created).

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0)

Mayor Henderson asked Monty about his current residence on 300 West, and when he will have it finished and the current issues resolved. Monty stated that he would have it done within two weeks from tonight.

7. APPROVE 2009 COUNCIL CALENDAR

MOTION BY: Councilperson Lynn Durrant to Approve the 2009 Council Calendar.

SECONDED BY: Councilperson Stanley Green.

VOTE: All Affirmative (4-0)

8. RESOLUTION APPOINTING MEMBER TO THE UTAH VALLEY DISPATCH SPECIAL SERVICE DISTRICT

Mayor Henderson stated that Councilperson Gordon has been appointed to be the member of the Utah Valley Dispatch Special Service District. The county has asked that this appointment be done by a resolution.

MOTION BY: Councilperson Stanley Green to approve Resolution 111908 Appointing Councilperson Todd Gordon a Member to the Utah Valley Dispatch Special Service District.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0)

9. LETTER TO CUWCD (Central Utah Water Conservation District)

Russ Hillman went over the letter. He stated that they are trying to do hydro electrical plant up Diamond Fork Canyon. They are asking the federal government to take away the upstream costs of the project. CUWCD (Central Utah Water Conservation District) feels that if they can get those costs taken out, that the project would be feasible. The plant would be very similar to the plant that was just installed at Jordanelle. He stated the plant would produce about 5 Meg of power, which would be used in the south end of

Utah Valley. The letter is giving CUWCD approval from the cities to proceed with the project.

MOTION BY: Councilperson Stanley Green to approve the Mayor and Power Superintendent to sign the letter to CUWCD stating Salem City support in the project.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0)

10. APPROVE MINUTES OF NOVEMBER 5, 2008

MOTION BY: Councilperson Lynn Durrant to approve the Minutes of November 5, 2008 as written.

SECONDED BY: Councilperson Terry Ficklin.

VOTE: All Affirmative (4-0)

11. APPROVE BILLS FOR PAYMENT

MOTION BY: Councilperson Stanley Green to approve the bills for payment.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0)

12. PUBLIC SAFETY

13. OPEN DISCUSSION

A question was asked how the traffic is at the new high school Chief James stated that it is going better than anticipated. Mayor Henderson stated that the state has approved the traffic light at 400 North and SR 198, and they feel it will be done before Christmas.

COUNCIL REPORTS

14. MAYOR J. LANE HENDERSON

Mayor Henderson mentioned to Councilperson Gordon that Rick James is doing his Eagle Project that was approved a while ago. He was doing the Trex boards on the foot bridge at the pond. Rick can not get the Trex donated, and wondering if the city can come up with the money to pay for it. He asked Councilperson Gordon to work with Rick to find some donors to get the Trex purchased, since the City's Eagle Scout Project fund does not have anymore money in its budget.

Mayor Henderson also mentioned that there is an employee luncheon on November 26th at noon, Pond Town Christmas Lighting will be on the 28th, and the city Christmas Party will be on December 5th.

15. COUNCILPERSON LYNN DURRANT

16. COUNCILPERSON TERRY A. FICKLIN

17. COUNCILPERSON STANLEY W. GREEN

18. COUNCILPERSON BRENT V. HANKS

19. COUNCILPERSON TODD R. GORDON

20. DAVE JOHNSON, PUBLIC WORKS

21. BRUCE WARD, CITY ENGINEER/PUBLIC WORKS DIRECTOR

22. ATTORNEY S. JUNIOR BAKER.

ADJOURN CITY COUNCIL MEETING

MOTION BY: Councilperson Terry Ficklin to Adjourn City Council Meeting.

SECONDED BY: Councilperson Todd Gordon.

VOTE: All Affirmative (4-0)

MEETING ADJOURNED AT: 8:05 p.m.

Jeffrey Nielson, City Recorder